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09/970,570	10/04/2001	Noboru Yasuda	51441 US	1462

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Tyco Technology Resources  
Suite 450  
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EXAMINER

PATEL, DHIRUBHAI R

ART UNIT PAPER NUMBER

2831

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/970,570

Applicant(s)

YASUDA ET AL.

Examiner

DHIRU R PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 13-21 is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **Part III DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/28/03 has been entered.

#### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a waterproof grommet supporting member recited in claims 7 and 9 must be shown or the feature(s) canceled from the claim(s). Examiner suggests showing reference number for a waterproof grommet supporting member. A proposed drawing correction or corrected drawings are required in reply to the office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. No new matter should be entered.

Applicant is responsible for showing reference number for claimed invention.

3. Applicant is required to submit a proposed drawing correction in reply to this office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

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4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: the following reference numbers are not mentioned in the specification: 111, 121, 123, 140, 141, and 143.
5. The drawings are objected to because Figure 1 E and 1F are not shown on the drawings.
6. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Specification***

7. The disclosure is objected to because of the following informalities: the reference characters must be properly applied, no single reference character being used for two different parts or for a given part and a modification of such part. Such as in the specification on page 6 line 23, " protruding parts 23" while on same page lines 26-27, "the recessed part 23". Applicant is responsible for providing separate reference number for each part disclosed in the specification. See MPEP § 608.01 (g) .

Applicant is responsible for reviewing the entire specification for each reference number and revise as required.

Appropriate correction is required.

8. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. Correction of the following is required: In claims 7 and 9, " the

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through-hole by engaging with at least one protruding part formed on a waterproof grommet supporting member”, and in claim 19 a protrusion formed on a supporting member are not supported by the original specification. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

***Claim Rejections - 35 USC § 112***

9. Claims 7-12, 19-21 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claims 7 and 9, applicant did not disclose “ the through-hole by engaging with at least one protruding part formed on a waterproof grommet supporting member” anywhere in the specification, also, in claim 19, applicant did not disclose “ a protrusion formed on a supporting member ” anywhere in the specification. Applicant is cautioned against the insertion of new matter into the specification by amendment.

Any further rejection of , or indication of the allowability of claims 7, 9 and 19 are based on these claims as understood by the examiner.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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10. Claims 7 -12, 19-21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7 line 4, " an electrical wire that contacts a contact is passed" is confusing because it is not clear that what is contacts a contact is passed?.

In claim 7 line 5, " which can adhere tightly to the electrical wire" is confusing because it is not clear that what is adhere tightly to the electrical wire?.

In claim 7 lines 17-19, " the through-hole by engaging with at least one protruding part formed on a waterproof grommet supporting member" is confusing because see item 8 of this office action. The examiner interpreted as the through-hole by engaging with at least one protruding part formed on the grommet cap.

In claim 7 lines 21-22, " the outer circumferential surface " is confusing because it is not clear that the outer circumferential surface of what?.

In claim 9 line 4, " an electrical wire that contacts a contact is passed" is confusing because it is not clear that what is contacts a contact is passed?.

In claim 9 line 5, " which can adhere tightly to the electrical wire" is confusing because it is not clear that what is adhere tightly to the electrical wire?.

In claim 9 lines 17-19, " the through-hole by engaging with at least one protruding part formed on a waterproof grommet supporting member" is confusing because see item 8 of this office action. The examiner interpreted as the through-hole by engaging with at least one protruding part formed on the grommet cap.

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In claim 9 lines 21-22, " the outer circumferential surface " is confusing because it is not clear that the outer circumferential surface of what?.

In claim 19 lines 4-5, " a protrusion formed on a supporting member " is confusing because see item 8 of this office action. The examiner interpreted as the through-hole by engaging with at least one protruding part formed on the grommet cap.

***Allowable Subject Matter***

11. Claims 7 , 9 and 19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, first and 2<sup>nd</sup> paragraph, set forth in this Office action.

12. Claims 8, 10-12, 20-21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, first and 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

13. Claims 1-6, 13-18 are allowed.

The primary reasons for the indication of the allowability of claims 1- 21 are the inclusion therein, in combination as currently claimed, of the limitation of the elastic material of the first member having the first sealing part is formed from an elastic material that has a lower hardness than the elastic material of the second member having the second sealing part to prevent splitting on the inner surface of the through hole when the electrical wire is passed (for claims 1-6, 13-18), the first member having the first sealing part is formed from an elastic material that has a lower hardness than the hardness of the second second member having the second sealing part, the second member has at least one recessed part which is

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used to align a contact cavity formed in the connector housing with the through hole by engaging with at least one protruding part formed on a the grommet cap (for claims 7-12), and a first member having a first sealing part, a second member having having a recessed part for receipt of a protruding part formed on the grommet cap and a second sealing part formed on an outer circumferential surface of the through-hole that sealing engage a housing (for claims 19-21).

The previously listed limitations are neither disclosed nor taught by the prior art of record, alone or in combination.

***Other prior art cited***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maeda, Tschanz, and Sawamura disclose a grommet similar to applicant's claimed invention.

***Contact information***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is (703) 308 -3748. The examiner can normally be reached on Mondays- Thursdays from 6:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard be reached at 703-308-3682. The fax number for this Group is 703-305-3431. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.



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Dhiru Patel  
Patent Examiner  
Group Art Unit 2831  
July 10, 2003

*Dhiru R Patel*